

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

No. 05-15915

ILIOULAOKALANI COALITION, ET  
AL.

Plaintiffs-Appellants,

v.

U. S. DEPARTMENT OF DEFENSE and  
U. S. DEPARTMENT OF THE ARMY

Defendants-Appellees.

DECLARATION OF  
James J. Lovelace

On Appeal From the United States District Court for the District of Hawaii  
(Civil No. 04-00502 DAE BMK)

I, Lieutenant General James J. Lovelace hereby declare that:

1. I am currently the Deputy Chief of Staff, G-3 (Operations and Plans), United States Army. In this capacity, I direct the strategic planning, organization, training, readiness, and transformation of the United States Army to fulfill its statutory mission to conduct prompt and sustained combat on land. It is my judgment that delaying the transformation of the 2<sup>nd</sup> Brigade, 25<sup>th</sup> Infantry Division (Light) ("2<sup>nd</sup> Brigade") to a Stryker Brigade Combat Team ("SBCT 5") would immediately disrupt the Army's transformation efforts, significantly degrade the Army's ability to provide effective and ready forces to meet strategic commitments, including on-going operations in Iraq, and

**EXHIBIT 25**

reduce the Army's strategic posture to deter conflict and respond to crisis situations in the Pacific area of responsibility, including the Republic of Korea.

2. I have served on active duty in the Army for 34 years. Before my current assignment, I have served as the Director of the Army Staff, Commander of the United States Army Alaska, Assistant Deputy Chief of Staff for Operations and Plans in the Department of the Army, Commanding General of Joint Task Force 6, Assistant Division Commander for Support of the 2nd Infantry Division, Chief of Staff of the 2nd Infantry Division, Artillery Commander of the 6th Infantry Division, Assistant Fire Support Coordinator for the 82nd Airborne Division, Deputy J-5 for Plans and Programs in the Alaska Command, and Commander of the 5th Battalion 8th Field Artillery Regiment. I have completed a master's degree in physical education from Indiana University, a master's degree in management from Salve Regina College, and a master's degree in national security from the U.S. Naval War College.

3. The Army is at war. Over 300,000 American soldiers are deployed in 120 countries conducting continuous operations in support of national strategic objectives. Every brigade in the Regular Army has deployed to conduct combat operations or is forward positioned to deter conflict. Those same brigades are now on their second combat tour or preparing to deploy again. There are no idle brigades in the Army.

4. The purpose of Army transformation is to provide more effective and ready forces for continuous operations, meet current and future global commitments, and preserve the quality of the All Volunteer Force in a period of persistent conflict. The Army Campaign Plan is a comprehensive transformation strategy that directs the detailed planning, preparation and execution of a range of tasks necessary to provide ready, joint and

6. Delaying the transformation of 2<sup>nd</sup> Brigade to SBCT 5 would cause a number of significant, immediate, negative effects on the Army's ability to provide effective and ready forces to meet strategic requirements. First, a delay in 2<sup>nd</sup> Brigade transformation now would disrupt the Army's tightly integrated transformation and deployment schedules. 2<sup>nd</sup> Brigade is required to transform by May 2007 and be available to deploy to conduct combat operations within weeks of completing its transformation to SBCT 5. Detailed transformation schedules are planned and timed to achieve operational capability as soon as possible for the entire Army. Transforming a light infantry brigade to an SBCT is an extremely complex action that requires 20 months of intensive work by thousands of soldiers and contractors. A delay now would therefore delay 2<sup>nd</sup> Brigade's transformation completion and deployment availability. As SBCT 5 completes transformation, those resources then go to transform other units in place. The ripple effects caused by delaying 2<sup>nd</sup> Brigade transformation in place would disrupt allocation of these soldiers, contractors and equipment to transform other units on schedule to meet wartime requirements.

7. Second, the contingency plans to meet strategic requirements if 2<sup>nd</sup> Brigade transformation is delayed have significant disadvantages that harm unit morale and the Army's ability to provide ready forces in wartime. It is not possible simply to convert another brigade at another location to SBCT 5 on schedule because the vast resources for this complex action are planned and prepared years in advance and cannot be easily diverted at the last minute. For the same reasons, is not possible simply to relocate 2<sup>nd</sup> Brigade soldiers to another location, such as Alaska, to complete transformation on time. The 172<sup>nd</sup> Brigade will return to Alaska from combat operations before 2<sup>nd</sup> Brigade


would complete its transformation, and there are insufficient facilities to accommodate the units overlap. Furthermore, transforming 2<sup>nd</sup> Brigade in Alaska would impose tremendous hardship on the soldiers and families of 2<sup>nd</sup> Brigade, who have already endured a year-long deployment in Iraq. Specifically, transforming this brigade under these circumstances would require these soldiers to endure an additional 20 months of separation during transformation, because there is no housing available for their families in Alaska. The housing is occupied by the families of the 172<sup>nd</sup> Infantry Brigade which is deploying to Iraq. This separation would then be followed by availability for another year-long deployment, potentially in Iraq again. Returning 2<sup>nd</sup> Brigade to combat as a light infantry brigade when it is weeks away from beginning transformation to a SBCT would adversely affect unit, soldier and family morale because the SBCT has increased capability and force protection from the network-enabled, armored vehicles. Knowing they will return to combat, over 1,000 soldiers have re-enlisted to stay in the Army on the condition that they will serve in the SBCT in Hawaii. Finally, leaving 2<sup>nd</sup> Brigade as a light infantry brigade creates the significant problem of a organizationally obsolete unit that is not compatible with the new unit structure established by Army transformation. 2<sup>nd</sup> Brigade would lack the combat and logistical support to be effective, or it would require support from other units rendering them combat ineffective, and it could not "move, shoot and communicate" on an equal basis with other brigades.

8. Third, delaying 2<sup>nd</sup> Brigade transformation to SBCT would reduce our posture to deter war and meet strategic commitments in the Pacific area of responsibility. Army transformation meets strategic requirements to have two SBCTs available to deploy and conduct combat operations. SBCTs returning to home station Washington, Alaska and

Hawaii provide the rotational base of ready capability to deter conflict and respond rapidly to crisis situations in the Pacific area of responsibility. If the transformation of 2<sup>nd</sup> Brigade were delayed or prevented, this would negatively affect the Army's ability to provide ready forces to deter conflict and meet treaty obligations in the Pacific region, including the Republic of Korea.

9. Because the combatant commanders of United States Central Command, United States European Command, United States Pacific Command, and United States Forces Korea have stated they require SBCT capability in their area of responsibility, the Congress appropriated additional funding and directed the Army to submit plans to field a seventh SBCT. The Secretary of the Army and Chief of Staff of the Army directed fielding of the seventh SBCT as soon as possible to meet the urgent demand for SBCT capability. A delay in transforming SBCT 5 would delay resources required to transform SBCT 7. The Army needs to convert 2<sup>nd</sup> Brigade to SBCT 5 in Hawaii on schedule to provide effective and ready forces to meet operational requirements, deter conflict in the Pacific region, improve the capability of soldiers to accomplish their mission, reduce the number of American and civilian casualties, and preserve the quality of the All Volunteer Force during wartime.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
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 LIEUTENANT GENERAL JAMES J. LOVELACE

24 MAY 2005

Date